

**ENTERED**

April 30, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RAYFIELD J.	§	CIVIL ACTION No
THIBEAUX,	§	4:24-cv-02836
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
LYLE W. CAYCE,	§	
Defendant.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

Plaintiff Rayfield J Thibaux proceeds here *pro se*. This matter was referred to Magistrate Judge Richard Bennett.

A prior Memorandum and Recommendation recommended that a prior motion by Plaintiff to effectuate service of summons be dismissed as moot and the case be dismissed with prejudice. Dkt 23. That recommendation has already been adopted and the action dismissed with prejudice. Dkt 26; see also Dkt 29 (final judgment). Plaintiff filed a notice of appeal. Dkt 27.

Pending is a motion for permission to appeal *in forma pauperis*. Dkts 31 & 33. Also pending is a Memorandum and Recommendation by Judge Bennett recommending that the motion be denied because it identifies no nonfrivolous issue for appeal. Dkt 34.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).


No objection has been filed. And no clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 34.

The motion by Plaintiff for permission to appeal *in forma pauperis* is DENIED. Dkts 31 & 33.

SO ORDERED.

Signed on April 30, 2025, at Houston, Texas.

  
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Hon. Charles Eskridge  
United States District Judge